

In the Matter of)
)
Rural Call Completion) WC Docket No. 13-39

² See 47 U.S.C. § 267(a).

requested comment on rules to implement both of these requirements, and has proposed to define an intermediate provider as any provider that “offers or holds itself out as offering the capability to transmit covered voice communications from one destination to another and charges any rate to any other entity (including an affiliated entity) for the transmission” (FNPRM, paras. 70 and 105).

Consistent with the Commission’s existing definition, a carrier should be considered an intermediate provider only when it “neither originates nor terminates” covered traffic.³ The Commission should accordingly make clear that facilities-based carriers that provide backbone network capacity (including the facilities or services used to originate or terminate a call) to MVNOs should not be considered intermediate providers for purposes of rural call completion. Sprint, a facilities-based carrier, directs its MVNO wholesale traffic and its retail customer traffic over the same network facilities and routes; it does not manipulate traffic routing to achieve different call completion outcomes based on whether the traffic is wholesale or retail. Sprint is already subject to extensive rural call completion regulations in its capacity as a covered provider. Where, as here, there is no difference in routing practices, the imposition of additional regulations on the facilities-based carrier’s (*e.g.*, Sprint’s) provision of wholesale network services to its MVNOs is excessive and unnecessary, and should be avoided.

2. Covered Carriers Should Have 90 Days to Renegotiate Contracts with Intermediate Providers or Make Alternative Routing Arrangements

The Commission has proposed to adopt a 30-day registration deadline for intermediate providers, and asked for comment on how long after that deadline covered

³ FNPRM, para. 105, citing 47 CFR §§ 64.2101 and 64.1600(f).

providers should have to ensure that they comply with the requirement to use only registered intermediate providers (FNPRM, para. 84). Sprint recommends that covered carriers have 90 days after the intermediate carrier registration deadline to make any requisite arrangements with their intermediate carriers. There may be multiple sections in any given contract that need to be amended, and a covered provider may need to negotiate contract amendments with multiple intermediate carriers. Given these factors, the Commission should allow covered providers up to 90 days after the intermediate carrier deadline to renegotiate contracts or make alternative routing arrangements.

3. The Record Recording and Retention Rules Should Be Eliminated Immediately

The Commission has asked for comment on whether to sunset existing rural call completion recording and retention rules (FNPRM, para. 109). Sprint urges the Commission to eliminate these rules, effective immediately upon publication of the adopting order in the Federal Register.

The Wireline Competition Bureau previously concluded that the information collected by covered carriers and reported in their quarterly rural call completion reports reflect varying call reporting and aggregation practices, and that such data quality issues “impact the reliability of the data collection and preclude us from drawing firm conclusions from the data.... Even if accepted at face value, the data provides a less than clear understanding of the overall state of rural call completion performance.”⁴ The Bureau therefore made the reasonable recommendation that the Commission consider eliminating the rural call completion recording and retention rules.⁵

⁴ *Rural Call Completion*, WC Docket No. 13-39, *Report* released June 22, 2017 (DA 17-595), para. 2.

⁵ *Id.*

The Commission has acknowledged the “limit[ed] utility” of the mandated rural call completion data,⁶ and has developed a robust record below that justifies the elimination of the rural call completion recording and retention requirements.⁷ Moreover, the Commission, in the companion order to the instant FNPRM, adopted a requirement that covered carriers monitor the performance of their intermediate providers.⁸ In order to comply with this new requirement, covered carriers will have to collect relevant information which may overlap in whole or in part with the types of data required in Section 64.2103 of the rules. The Commission can and should leave it to the discretion of the covered carrier to collect whatever information it needs, and to retain that information for as long it needs.

Covered carriers incur real costs to comply with the data recording and retention rules. Where, as here, the rules generate little or no public interest benefits, the rules should be eliminated as promptly as possible.

4. The Commission Should Adopt Service Level Categories Rather Than Specific Call Quality Metrics.

The Commission has asked whether it should adopt call completion standards for intermediate providers (FNPRM, para. 85). Identifying service level categories (*e.g.*, call success rates and/or answer seizure rates; post-dial delay; jitter; packet loss; and MOS) that should be part of intermediate carrier performance reviews could help to mitigate any remaining rural call completion problems. The Commission should then leave it to the

⁶ *See, e.g.*, FNPRM, para. 109.

⁷ In addition to the WCB Report, interested parties have submitted multiple filings demonstrating that the recording and retention rules are unnecessary and/or ineffective and should be eliminated. *See, e.g.*, comments filed by Sprint in this docket on August 28, 2017 and reply comments filed on Sept. 25, 2017.

⁸ *Second Report and Order*, FCC 18-45, para. 11.

covered carriers and their intermediate providers to negotiate whatever specific service level metrics they find mutually acceptable.

Sprint recommends that the Commission refrain from mandating specific call completion metrics, for several reasons. First, Sprint is concerned that any specific metrics chosen will be arbitrary – there is no consensus as to what metrics should be adopted, what the minimum or maximum values for any given metric should be, the period of time over which the metric should be measured, whether the metrics should apply to an intermediate carrier’s overall performance, or to its performance in an individual rural exchange. It may be that a covered provider would apply different metrics to different intermediate providers, depending upon individual circumstances (for example, an intermediate provider with a proven long-term track record may be subject to different standards and requirements than would apply to an intermediate provider with which the covered provider has no prior relationship or whose performance has varied widely).

Second, specific metrics may not adequately take into account factors beyond the covered or intermediate carrier’s control. For example, a mandated call completion rate of xx% could easily be missed if there is a telemarketing or robocalling campaign targeted at a given terminating exchange, if there is a network outage due to a natural or man-made disaster, or if there is a mass calling event.

Third, the emphasis of the Commission’s rural call completion efforts should be on avoiding unreasonable disparities between rural and non-rural completion rates, rather than setting fixed call completion rates. For example, one carrier may have rural and non-rural call completion rates in the mid-80% range, while another carrier may have

rural and non-rural call completion rates in the mid-70% range. As long as there is no unreasonable discrimination in their respective rural/non-rural call routing practices and resulting performances, both carriers should be considered in compliance with rural call completion rules. The Commission can safely leave it to competitive forces and informed consumers to decide which carrier will enjoy the superior market success.⁹

Respectfully submitted,

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⁹ It may well be that some end users are willing to accept somewhat lower quality (*e.g.*, a lower call completion rate or longer post-dial delay) in exchange for lower prices. This type of consumer behavior can be observed in the telecommunications as well as other industries.